

STATE OF MAINE
PUBLIC UTILITIES COMMISSION

Docket No. 2000-20

May 10, 2000

BANGOR HYDRO-ELECTRIC COMPANY
Standard Rates for Energy and Capacity
Purchases

ORDER

WELCH, Chairman; NUGENT and DIAMOND, Commissioners

I. SUMMARY OF DECISION

Pursuant to Chapter 360, Section 4(C)(2)(b) and Section 4(C)(3)(d), we hereby establish rates for power purchases by Bangor Hydro-Electric Company (BHE or the Company) from qualifying facilities. Specifically, we establish short-term, energy-only rates for the period March 1, 2000 through February 28, 2001 and standard rates for the purchase of capacity and energy for the period March 1, 2000 through February 28, 2002.

II. PROCEDURAL HISTORY

On February 15, 2000, BHE filed its short-term, energy-only rates and capacity and energy rates, to be in effect on March 1, 2000. On February 18, 2000, the Examiner in this proceeding issued a Notice of Proceeding that established February 24, 2000 as the deadline for filing petitions to intervene and objections to the Company's filing. No objections or petitions to intervene were received.

Because there was insufficient time to consider the Company's proposed rates prior to March 1, on February 28, 2000, the Commission suspended BHE's filing pursuant to Chapter 360, Section 4(C)(2)(b)(ii) and 4(C)(3)(d)(ii). In response to discussions with the Commission's Advisory Staff, BHE submitted revised rates to the Commission on March 24, 2000 and April 28, 2000.

III. DISCUSSION

Chapter 360 requires that the Commission establish short-term, energy-only rates and standard rates for the purchase of energy and capacity for T&D utilities that have qualifying contracts that contemplate such rates. Section 4(C)(2)(b) of Chapter 360 requires that the short-term, energy-only rates be set each year by the Commission for a 12-month period starting in March and be calculated as "the sale prices accepted pursuant to the sale of the rights to the energy component of qualifying facilities contracts pursuant to 35-A M.R.S.A. § 3204(4) for each month." Section 4(C)(3)(d) requires that the standard energy and capacity rates be set by the Commission each year following a new sale of the rights to capacity and energy from the utility's qualifying facility contracts

pursuant to 35-A M.R.S.A. § 3204(4) and that the rates be set as the price accepted pursuant to that sale for each month beginning March 1 and continuing through the end of the sale period.

We have reviewed the avoided costs submitted by the Company in its April 28 filing and find them to be consistent with the requirements of Chapter 360.

Accordingly, we

ORDER

1. That the short-term, energy-only rates, filed by the Company on April 28, 2000 pursuant to Section 4(C)(2)(b) of Chapter 360 (attached hereto), are approved for the period March 1, 2000 through February 28, 2001; and
2. That the standard rates for the purchase of energy and capacity, filed by the Company on April 28, 2000 pursuant to Section 4(C)(3)(d) of Chapter 360 (attached hereto), are approved for the period March 1, 2000 through February 28, 2002.

Dated at Augusta, Maine, this 10th day of May, 2000.

BY ORDER OF THE COMMISSION

Raymond J. Robichaud
Acting Administrative Director

COMMISSIONERS VOTING FOR: Welch
Nugent
Diamond

NOTICE OF RIGHTS TO REVIEW OR APPEAL

5 M.R.S.A. § 9061 requires the Public Utilities Commission to give each party to an adjudicatory proceeding written notice of the party's rights to review or appeal of its decision made at the conclusion of the adjudicatory proceeding. The methods of review or appeal of PUC decisions at the conclusion of an adjudicatory proceeding are as follows:

1. Reconsideration of the Commission's Order may be requested under Section 1004 of the Commission's Rules of Practice and Procedure (65-407 C.M.R.110) within 20 days of the date of the Order by filing a petition with the Commission stating the grounds upon which reconsideration is sought.
2. Appeal of a final decision of the Commission may be taken to the Law Court by filing, within 30 days of the date of the Order, a Notice of Appeal with the Administrative Director of the Commission, pursuant to 35-A M.R.S.A. § 1320(1)-(4) and the Maine Rules of Civil Procedure, Rule 73, et seq.
3. Additional court review of constitutional issues or issues involving the justness or reasonableness of rates may be had by the filing of an appeal with the Law Court, pursuant to 35-A M.R.S.A. § 1320(5).

Note: The attachment of this Notice to a document does not indicate the Commission's view that the particular document may be subject to review or appeal. Similarly, the failure of the Commission to attach a copy of this Notice to a document does not indicate the Commission's view that the document is not subject to review or appeal.